

**TITLE 22. Social Security****Division 2. Department of Social Services--Department of Health Services****Part 2. Health and Welfare Agency--Department of Health Services Regulations****Subdivision 4. Institutions and Boarding Homes for Persons Aged 16 and Above****Chapter 3. Adoptions Program Regulations****Subchapter 5. Procedures for Agency Adoptions****Article 11. Assessment of the Applicant****§35183. Abbreviated Assessment of the Adoptive Applicant.****§ 35183 . Abbreviated Assessment of the Adoptive Applicant.**

 • [Note](#) • [History](#)

(a) The agency may conduct an abbreviated assessment under any of the following conditions:

(1) The applicant is the current care giver of the child to be adopted, and

(A) Is licensed or certified as a foster family home, and

(B) Has cared for the child, under the supervision of an adoption or child welfare agency, for at least six months.

(2) The applicant is an existing relative caregiver of the child to be adopted who was assessed under Welfare and Institutions Code Section 361.3, and written documentation of the assessment is available to the adoption agency.

(3) The applicant has successfully completed a prior agency, independent or intercountry adoption in California within the last five years and both of the following conditions exist:

(A) An approved written assessment was made as required by [Section 35180](#) (agency), [Section 35081](#) (independent), or [Section 35257](#) (intercountry).

(B) The written assessment document is available to the agency completing the current assessment.

(b) The agency shall have at least one face-to-face contact with each applicant for the purpose of interviewing the applicant for the assessment.

(1) The contact shall include, at least, all the following:

(A) One interview in the home of the applicant.

(B) A separate face-to-face interview with each applicant.

(C) A face-to-face interview with all individuals residing in the household, including the child to be adopted.

(2) The contact shall include additional interviews as necessary.

(c) The agency shall obtain from the applicant, at least, the following information:

(1) Identifying information:

(A) Full name, including aliases and maiden names.

(B) Current address and telephone number.

(C) Date of birth.

(D) Sex.

(2) Blood relationship to child, if any.

(3) Religion, if any.

(4) The following information only if it is not documented in previous assessments or, in the judgment of the agency, the applicant's circumstances have significantly changed since the previous assessment:

(A) Name and address of employer and length of time employed or most recent income tax return if self employed.

(B) Marriage certificate, if married, and verification of termination of prior marriages.

1. Any marriages and dissolutions occurring before a prior California adoption shall be assumed to have been valid at the time of the prior adoption.

2. When verification of the dissolution of all marriages of the applicants is not possible, the marriages preceding a verified divorce decree shall be assumed to be validly dissolved.

(C) Names, dates of birth and location of any minor children of the applicant who are not living in the home of the applicant.

(5) Names, date of birth, sex and relationship of other individuals in the home.

(6) Report of a medical examination of each applicant.

(A) The report shall be completed by a licensed physician or a nurse practitioner or physician's assistant practicing under a licensed physician.

(B) The report shall be completed no more than six months before the date of the application to adopt.

(C) The agency may substitute a health questionnaire completed by the applicant for the medical report if both of the following conditions exist:

1. The applicant is the current care giver or a relative seeking to adopt a specific child, and

2. The completed questionnaire does not, in the agency's judgment, identify indicators requiring further evaluation or report.

a. If in the agency's judgment, sufficient additional information is obtained from the physician who has been treating a specific condition identified in the questionnaire, additional medical examination is not necessary.

(7) A certificate for each adult residing in the home stating that the individual is free from communicable tuberculosis.

(8) The name of at least one individual to be contacted by the agency for the purpose of obtaining a reference.

(9) The results of a screening for any criminal background of the applicant and any other adults residing in the home, unless the agency has a current contract with the DOJ for the Subsequent Arrest Notification Services regarding them as specified in Section 35184(d), and, if required by Section 35184(e), the FBI criminal record.

(10) The results of a screening for prior referrals for child abuse or neglect.

(11) Authorization for information from additional sources to be released to the agency, as necessary to complete the assessment.

(12) Authorization for the agency to release a copy of the written assessment to other adoption and child welfare agencies for the purpose of matching the applicant with a child for adoption, if the applicant is seeking to adopt a child who is not already living in the applicant's home.

(13) The name of the agency that completed any prior assessment related to the care of a child as identified in Section 35183 (a) and the approximate date the assessment was completed.

(A) Authorization for the agency to obtain the prior assessment.

(d) In assessing the adoptive applicant who meets the requirements for an abbreviated assessment as specified in Section 35183 (a), the agency shall consider the following factors for the applicant, as well as for any children or other adults residing in the home:

(1) Any changes in circumstances since the prior assessment which the agency considers significant and which shall include, at least, all of the following:

(A) Marital status.

(B) Family constellation.

1. If the applicant adopted previously, the adjustment of the child and family to the adoption.

(C) Household membership.

(D) Employment and income.

(E) Health.

(F) Housing.

(G) Results of a screening for any criminal record or child abuse index report.

(2) Any factors which, in the agency's judgment, affect the potential safety and stability of a child placed with the applicant.

(3) A determination of the applicant's commitment and capability to meet the needs of a child including both of the following:

(A) Basic needs.

(B) The specified needs of an identified child related to the assessment of the child under Section 35127.1 and Section 35127.2.

(4) Understanding of the legal and financial rights and responsibilities of adoption and of the differences inherent in an adoptive parenting relationship.

(5) If a specific child has been identified, the nature of the relationship with the child who is to be adopted, including the duration and character of the relationship and the motivation for seeking adoption of the child.

(6) The preparation or plan the applicant has made for care of the minor in the event of death or incapacity of the adoptive parent or parents.

(7) The ability of the applicant to work with a child welfare agency in support of a case plan for a child who is a dependent of the juvenile court.

(A) Whether the applicant is willing and able to be a permanency planning family.

(e) If the adoptive applicant is a relative, the agency shall consider both of the following factors:

(1) The nature of the relationship the relative has with the birth parents or other extended family members.

(2) Whether the relative would like to enter into a kinship adoption agreement and, if so, the kind of post-adoption contact the relative would like to have with the birth parent or other family members.

(f) If the applicant is the current care giver of the child to be adopted, the agency shall consider the following:

(1) The adjustment of the child and the family since the child joined the family.

(2) The applicant's understanding of and ability to meet the needs of the child, including any special needs.

(3) The nature of the relationship or contact, if any, between the applicant and the child's birth parents, any of the child's siblings or half-siblings not residing with the child, or extended family members and plans for any ongoing contact.

(4) The applicant's understanding of the child's needs and the circumstances which led to the child's out-of-home placement.

NOTE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 361.5, 366.21 and 366.22, Welfare and Institutions Code.

#### HISTORY

1. New section filed 9-1-87; operative 10-1-87. Ed. Note: The printing of this regulation was delayed due to necessary reformatting (Register 88, No. 50). For history of former chapter 3, see Register 88, No. 1.
2. Change without regulatory effect amending Note filed 8-2-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 52).
3. Change without regulatory effect amending Note filed 3-27-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 13).
4. Repealer of article 6 and repealer and new section filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.
5. Repealer of article 6 and repealer and new section refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11-24-98 order, including amendment of section, transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

### **§35183.1. Updating an Existing Assessment of the Adoptive Applicant.**

**§** • Note • History

(a) (Reserved)

(b) The agency shall obtain authorization from the applicant to obtain the prior assessment.

(1) The agency shall include in the updated assessment, the name of the agency that completed the prior assessment and the date the assessment was completed.

(c) An update to an existing applicant assessment shall be completed in any of the following circumstances:

(1) In the agency's judgment, significant changes have occurred in the applicant's circumstances since the completion of the existing assessment which warrant such an update before the placement of a child in the home.

(B) Two years have passed since an agency completed the existing applicant assessment and the adoption of a child placed in the applicant's home, under the supervision of a child welfare or adoption agency, has not been finalized.

(C) Two years have passed since an agency completed the existing applicant assessment. The adoption of a child placed in the applicant's home, under the supervision of a child welfare or adoption agency, has not been finalized and a second child is being placed for adoption in the home.

(D) Three years have passed since the existing applicant assessment was completed by an agency and no child, under the supervision of a child welfare or adoption agency, has been placed in the applicant's home during that time.

(d) The agency shall complete an update of an existing assessment by following the format for an abbreviated assessment at Section 35183 (b) and shall include information pursuant to Sections 35183 (c) through (f), as necessary.

#### NOTE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 361.5, 366.21 and 366.22, Welfare and

Institutions Code.

HISTORY

1. New section filed 5-3-99; operative 5-3-99 (Register 99, No. 19).

**§35184. Criminal Background Check of Applicants.**

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- (a) The agency shall complete a criminal record check of all applicants and any other adults residing in the home to obtain, if any, the full state criminal record from the Department of Justice (DOJ) pursuant to Family Code Section 8712(a).
- (b) The agency shall obtain copies of the full criminal record and the child abuse index report, if available, from the county or licensing agency if:
- (1) The applicants are licensed or certified foster parents.
  - (2) The applicants are relatives of the child being adopted.
- (c) For all other applicants for whom criminal record information is not otherwise available from counties or licensing agency, the agency shall submit to the DOJ one set of fingerprints for each applicant.
- (1) The agency shall clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance.
- (d) The agency shall contract with the DOJ for the Subsequent Arrest Notification Service in order to receive arrest information subsequent to the original DOJ criminal record sent to the agency and pending the court order granting the adoption.
- (1) When the adoption has been finalized, denied, or dismissed, the Bureau of Criminal Identification shall be asked to discontinue sending subsequent arrest information about a subject previously fingerprinted for adoption purposes pursuant to Penal Code Section 11105.2(c).
  - (2) If the applicants are being assessed or investigated for another adoption, the agency shall maintain the Subsequent Arrest Notification Service active.
- (e) The agency shall obtain the FBI criminal record, if any, of the applicant and any other adults residing in the home, from the DOJ when they have resided in California for less than two years or when information gathered in the assessment has given the agency reason to believe that they may have committed a crime in another jurisdiction.
- (D) The agency shall obtain new sets of fingerprints and shall make new requests to the DOJ for the FBI criminal record in the event of subsequent adoptions unless the Subsequent Notification Service is still in effect.

**NOTE**

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 8712, Family Code; and Section 11105.2, Penal Code.

**HISTORY**

1. New section filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 11-24-98 order, including amendment of section, transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

### §35185. Interviews During Assessment.

 • [Note](#) • [History](#)

#### NOTE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 8715, Family Code.

#### HISTORY

1. New section filed 9-1-87; operative 10-1-87. Ed. Note: The printing of this regulation was delayed due to necessary reformatting (Register 88, No. 50). For history of former chapter 3, see Register 88, No. 1.
2. Change without regulatory effect amending Note filed 8-2-91 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 91, No. 52).
3. Change without regulatory effect amending subsections (a)(1)-(4) and Note filed 3-27-95 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 95, No. 13).
4. Repealer filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.
5. Repealer refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11-24-98 order transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

### §35187. Exceptions to Assessment Interview Requirements.

 • [Note](#) • [History](#)



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**§** • [Note](#) • [History](#)

(a) Before or at the time of the child's adoptive placement the agency, using form AD 512, as specified by [Section 35000\(m\)\(2\)](#), shall give a written medical report about the child to the prospective adoptive parents in accordance with Family Code Section 8706. The agency shall obtain a written statement from the prospective adoptive parents acknowledging receipt of the report.

(2) The agency shall document the following information on the AD 512:

(A) The name of any report, document, or information provided to the prospective adoptive parents.

1. The information provided to the prospective adoptive parents shall include a copy of the written assessment of the child as defined in [Section 35127](#).

2. The information provided to the prospective adoptive parents shall include all recommendations or comments made by the agency to the prospective adoptive parents about the child or his or her family background.

(B) The name of any report, document, or information described in [Section 35000\(m\)\(2\)](#) that was not obtained and the reason(s) that the information was not available.

(3) The agency shall attach the medical report documents to the AD 512 and complete the following procedures:

(A) Photocopy, except as provided in [Section 35195\(a\)\(4\)](#), all available original source reports and evaluations obtained during the adoption investigation of the child and his or her birth parents' medical and family backgrounds.

1. The photocopies shall be listed on the attached to the AD 512.

(B) Delete the names and addresses of all individuals, including former caretakers, the child, and the source, contained in all reports or evaluations, before releasing the AD 512 and the attached documentation, unless any of the following conditions exist:

1. The child is a relative of the prospective adoptive parents.

2. The child has been placed in the home of the prospective adoptive parents as a foster child under the supervision of an agency.

3. Before the finalization of the adoption, the court has ordered identifying information be provided to the prospective adoptive parents.

(C) When the identity of other persons, such as other children in a former foster home, would be revealed or when the information is not directly related to the child's current or future well-being, include only summaries of original source reports on the AD 512.

(4) When providing information for the medical report, the agency shall not interpret or summarize medical terminology or any health condition indicated in the original source reports, except as noted in this section. Emphasis shall be placed on citing verbatim from any report or evaluation contained in the adoption record according to the following procedures:

(A) If a birth parent has received psychiatric or psychological evaluations, the diagnosis of his or her condition shall be given verbatim.

1. The agency shall not release the original report of the evaluation.

(B) If a birth parent has received in-patient psychiatric treatment, information concerning his or her diagnosis, response to treatment and prognosis shall be given verbatim.

1. The agency shall not release the original report of the hospitalization.

(5) The agency shall advise the prospective adoptive parents that, upon receipt of the medical report, the prospective adoptive parents should consult their physician and/or mental health professional for further evaluation or interpretation, particularly if the report contains material sensitive in subject matter.

(6) The agency shall document in the adoption case record the manner in which the information was released and the date on which the information was released.

(7) The agency shall document in the adoption case record and court report the name of any report, document or information described in Section 35000(m)(2) that the agency was unable to obtain and the reason(s) that the information was not available.

(8) The agency shall obtain the prospective adoptive parents' signatures in the space provided on the AD 512 acknowledging receipt of the report.

(A) The agency shall make a copy of the completed AD 512 and any attached documents with the prospective adoptive parents' signatures for the adoption case record.

(b) Before the finalization of the adoption, the agency shall give the prospective adoptive parents any medical and family background information about the child and his or her birth parents received after the release of the medical report pursuant to Section 35195(a).

(1) The agency shall give the information upon its receipt to the prospective adoptive parents in the same manner described in Section 35195(a).

#### NOTE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608 and 8621, Family Code. Reference: Section 8706, Family Code.

#### HISTORY

1. New section filed 9-1-87; operative 10-1-87. Ed. Note: The printing of this regulation was delayed due to necessary reformatting (Register 88, No. 50). For history of former chapter 3, see Register 88, No. 1.

2. Amendment of subsection (a) and new subsections (a)(7), (a)(7)(B)-(a)(7)(E), (a)(8) and (a)(8)(A)-(a)(8)(D) filed 7-28-89; operative 8-27-89 (Register 89, No. 31).

3. Change without regulatory effect amending Note filed 8-2-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 52).

4. Change without regulatory effect amending subsections (a)(1)-(3), (a)(4)-(6), (a)(7) and Note filed 3-27-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 13).

5. Repealer of former section 35195 and renumbering and amendment of former sections 35209 and 35211 to section 35195 filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.

6. Repealer of former section 35195 and renumbering and amendment of former sections 35209 and 35211 to section 35195 refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.

7. New article 12 heading and Certificate of Compliance as to 11-24-98 order transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

### §35197. Placement Requirements.

§ • [Note](#) • [History](#)

(a) (Reserved)

(b) Except as provided in Section 35199(b), an agency shall place a child for adoption only when the requirements of Section 35128 have been met.

(c) In selecting prospective adoptive parents for a child, the agency shall:

(1) Consider the expressed wishes of the relinquishing parent.

(2) Follow the placement requirements of Family Code Sections 8708, 8709, 8710, and 8711.

(3) Select from identified prospective adoptive parents with approved assessments satisfying the criteria set forth in Sections 35180 and 35181 and conducted by the agency, or other California licensed public or private adoption agencies, or licensed adoption agencies out of the state.

(d) The agency shall make available counseling, information, and educational services to prospective adoptive parents whose racial, ethnic, or cultural background is different from the child's in an effort to assist the family to meet the child's needs and to be sensitive about others' perceptions of the child.

(e) In a cooperative placement (where one agency has custody of the child and another agency completed and approved the assessment of the prospective adoptive parents), both agencies shall share responsibility for meeting all the requirements for the completion of the adoption.

(1) The agency that has custody of the child shall be responsible for meeting the requirements of the following sections:

(A) 35127.1 Content of Written Assessment of the Child, and

35127.2 Documents, Reports and Authorizations Required for Assessment of the Child, and

35127.3 Services for Children Accepted for Adoption Planning;

(B) 35195 Child's Medical and Psychosocial Background Information to be Provided to the Prospective Adoptive Parents;

(C) 35201 Adoptive Placement Agreement;

(D) 35205 Providing Services to Prospective Adoptive Parents Who Move after the Adoptive Placement;

(E) 35207 Termination of an Adoptive Placement;

(F) 35325 through 35351 Adoption Assistance Program

1. 35325(e)(3)(C)1. and (D)2. Adoption Assistance Program Payment Amount and Agreement (only completed by licensed public adoption agencies).

(2) The agency that approved the assessment of the prospective adoptive parents shall be responsible for meeting the requirements of the following sections:

(A) 35177 Written Application to Adopt, Agency Actions, and Authority for Disapproval;

(B) 35179 Information to be Provided to an Applicant;

(C) 35180 Written Assessment of the Adoptive Applicant and Documentation and

- 35181 Full Assessment of the Adoptive Applicant, or  
 35183 Abbreviated Assessment of the Adoptive Applicant;  
 35184 Criminal Background Check of Applicants;  
 (D) 35197(c) Services Regarding Ethnic and Cultural Differences;  
 (E) 35203 Supervision of the Adoptive Placement;  
 (F) 35207 Termination of the Adoptive Placement;  
 (G) 35211 Completing the Court Report;  
 (H) 35213 Immediate Filing of the Court Report;  
 (3) The agencies may modify the division of responsibilities set forth in Sections 35197(e)(1) and (2) by a mutual written agreement.  
 (4) The agency that has responsibility for the custody of the child shall be responsible for meeting the requirements of Section 35197(b) regarding the selection of prospective adoptive parents.  
 (f) The agency that has custody of the child shall file with the department the following documents which pertain to the placement of the child for adoption or the termination of an adoptive placement:  
 (1) The AD 558.  
 (A) The agency shall file the AD 558 with the department within 15 days of the signing of the adoptive placement agreement.  
 (2) The AD 580.  
 (A) The agency shall file the AD 580 with the department within 15 days of the removal of the child from an adoptive home.  
 (g) The agency that has the responsibility to complete the court report shall also be responsible for meeting the requirements set forth in Section 35213 when the recommendation is to deny the adoption petition or when the prospective adoptive parents desire to withdraw the adoption petition.

#### NOTE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 7630, 7634, 7660, 7669, 7893, 8700 and 8704, Family Code; and 25 U.S.C. 1901 et seq.

#### HISTORY

1. New section filed 9-1-87; operative 10-1-87. Ed. Note: The printing of this regulation was delayed due to necessary reformatting (Register 88, No. 50). For history of former chapter 3, see Register 88, No. 1.
2. Renumbering of former subsection (a)(1) to subsection (a)(4), renumbering of former subsection (a)(1)(A) to subsection (b) and new subsections (a)(1)-(a)(3) filed 7-28-89; operative 8-27-89 (Register 89, No. 31).
3. Change without regulatory effect amending Note filed 8-2-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 52).
4. Change without regulatory effect amending Note filed 3-27-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 13).
5. New article 9 (sections 35197-35209) and repealer and new section filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.
6. New article 9 (sections 35197-35209) and repealer and new section refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.
7. Repealer of article 9 heading and Certificate of Compliance as to 11-24-98 order, including redesignation

of former section (e)(2)(I) to subsection (e)(1)(F)1., transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

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(a) (Reserved)

(b) No agency shall sign an adoption placement agreement until the child is legally free for adoptive placement unless:

(1) The child is already placed in a home with prospective adoptive parents who have an approved assessment satisfying the criteria set forth in [Sections 35180, 35181](#), or 35183 and with the approval of the agency's administrator, and

(A) The birth mother and presumed father, if any, have signed a relinquishment document and

(B) The relinquishment document has been filed with the department, and

(C) The department has acknowledged the relinquishment and issued an AD 4333; and

(D) An action to terminate the rights of any alleged natural father pursuant to Family Code Sections 7630, 7634, 7660, 7662, or 7669 has been filed and is pending in court.

**NOTE**

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: [Sections 7630, 7634, 7660, 7662, 7669, 7893, 8700, 8704, 8708, 8709, 8710 and 8711](#), Family Code; and 25 U.S.C. 1901 et seq.

**HISTORY**

1. New section filed 9-1-87; operative 10-1-87. Ed. Note: The printing of this regulation was delayed due to necessary reformatting (Register 88, No. 50). For history of former chapter 3, see Register 88, No. 1.

2. Change without regulatory effect amending section filed 8-2-91 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 91, No. 52).

3. Change without regulatory effect amending subsections (b)(1)(C) and Note filed 3-27-95 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 95, No. 13).

4. Amendment of section and Note filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.

5. Amendment of section and Note refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.

6. Repealer of article 7 heading and Certificate of Compliance as to 11-24-98 order, including amendment of Note, transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

**§35201. Adoptive Placement Agreement.**

**§** • Note • History

(a) (Reserved)

(b) At the time of the adoptive placement, an adoptive placement agreement shall be signed by the agency representative and each prospective adoptive parent.

(1) The placement agreement shall include, but not be limited to, statements regarding:

(A) The rights and responsibilities of the agency and the prospective adoptive parents.

1. The child's legal status, including court dependency and any terms and/or conditions of the adoptive placement of a child not yet freed for adoption.

(B) The agency's responsibility to retain custody of the child and to supervise the adoptive placement until the granting of the final decree of adoption in accordance with Family Code Section 8704 and Welfare and Institutions Code Section 366.26(i).

(C) The agency's responsibility to provide the prospective adoptive parents with a report on the child's medical background.

(D) The availability of AAP to remove or reduce economic barriers to the placement of certain children who otherwise would remain in long-term foster care.

(E) The existence of or due to family history, the potential for any physical, mental, emotional, or medical handicap or condition of the child which may manifest itself after completion of the adoption.

(F) The availability of California Children's Services and the fact that assistance under this program will terminate if the adoptive family moves out of California and that the adoptive family may be eligible for a similar program in the other state.

(G) The agency's grievance review procedure.

(H) The prospective adoptive parent's responsibility to place the child under the care of a licensed physician for the routine health care of the child.

(I) The prospective adoptive parent's responsibility to inform the agency of any serious injury to or illness of the child and to obtain prior written consent for all nonemergency surgical and medical treatment of the child.

(J) The prospective adoptive parent's responsibility to inform the agency regarding any changes in the composition of the adoptive family or the family's place of residence.

(K) The agency's authority to terminate the adoptive placement and to remove the child from the home of the prospective adoptive parents at the agency's discretion unless a petition for adoption has been filed.

(L) The agency's agreement to give seven days written notice to the prospective adoptive parents of its intention to terminate the adoptive placement and remove the child unless the agency believes the child to be in imminent danger in which case no prior notice shall be required.

(M) The prospective adoptive parent's right to terminate the adoptive placement and return the child to the agency at any time prior to the granting of a final decree of adoption.

(N) The provisions of Family Code Section 8713 and Penal Code Section 280 regarding concealment of a child.

(O) The disbursement report required by Family Code Section 8610.

NOTE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code; Reference: Sections 8610, 8704 and 8713, Family Code; 25 U.S.C. 1901 et seq.; and Sections 16118 and 16119, Welfare and Institutions Code.

## HISTORY

1. New section filed 9-1-87; operative 10-1-87. Ed. Note: The printing of this regulation was delayed due to necessary reformatting (Register 88, No. 50). For history of former chapter 3, see Register 88, No. 1.
2. Renumbering of former subsections (a)(1) and (a)(2) to subsections (a)(2) and (a)(3) and new subsection (a)(1) filed 7-28-89; operative 8-27-89 (Register 89, No. 31).
3. Change without regulatory effect amending section filed 8-2-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 52).
4. Change without regulatory effect amending subsection (b)(2) and Note filed 3-27-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 13).
5. Amendment of section heading, subsections (b)(1)-(3), subsection renumbering and amendment of Note filed 12-22-95 as an emergency; operative 12-22-95 (Register 95, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-20-96 or emergency language will be repealed by operation of law on the following day.
6. Reinstatement of section heading, subsections (b)(1)-(3), subsection renumbering and amendment of Note as they existed prior to emergency amendment of 12-22-95 by operation of Government Code section 11346.1(f) (Register 96, No. 21).
7. Amendment of section heading, subsections (b)(1)-(3), subsection renumbering and Note filed 5-24-96; operative 5-24-96 (Register 96, No. 21).
8. Repealer of former section 35201 and renumbering and amendment of former section 35207 to section 35201 filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.
9. Editorial correction restoring inadvertently omitted subsections (b)-(b)(1)(O) (Register 98, No. 37).
10. Repealer of former section 35201 and renumbering and amendment of former section 35207 to section 35201 refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 11-24-98 order transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

**§35203. Supervision of the Adoptive Placement.**

**TITLE 22. Social Security****Division 2. Department of Social Services--Department of Health Services****Part 2. Health and Welfare Agency--Department of Health Services Regulations****Subdivision 4. Institutions and Boarding Homes for Persons Aged 16 and Above****Chapter 3. Adoptions Program Regulations****Subchapter 5. Procedures for Agency Adoptions****Article 12. Adoptive Placement****§35203. Supervision of the Adoptive Placement.****§35203. Supervision of the Adoptive Placement.**

**§** • [Note](#) • [History](#)

(a) (Reserved)

(b) After the signing of the adoptive placement agreement, the agency shall supervise the adoptive placement.

(c) The agency shall supervise the adoptive placement for a period of six months except in any of the following circumstances:

(1) The prospective adoptive parent had an approved assessment and successfully completed the adoption of another child in California within the past five years and the placement was supervised by an agency.

(2) The prospective adoptive parent is commissioned or enlisted in the military service, or auxiliary of the United States, or is engaged in service on behalf of any governmental entity of the United States, or employed by the American Red Cross, or in any other recognized charitable or religious organization, whereas, completion of the six month supervisory period would delay completion of an adoption which the agency has determined should be completed.

(3) The child to be adopted is a foster child of the prospective adoptive parent whose foster care placement has been supervised by an agency before the signing of the adoptive placement agreement in which case the supervisory period may be shortened by one month for each full month that the child has been in foster care with the family.

(A) If the placement of a child was a voluntary foster care arrangement with no supervision by an agency, the adoptive placement shall be subject to a full six-month period of supervision that shall begin at the time the adoptive placement agreement is signed.

(4) The child to be adopted was a foster child placed with a relative or a relative of the child's half sibling whose foster care placement has been supervised by an agency before the signing of the adoptive placement agreement in which case the supervisory period may be shortened by one month for each full month that the child has been in foster care with the relative.

(5) If the placement of a child with a relative or a non-relative was intended to be an independent adoption and the placement is converted to an agency placement, it shall be subject to a full six-month period of supervision that shall begin at the time a new adoptive placement agreement is signed.

(d) The agency shall conduct a minimum of four visits during the supervision of the adoptive placement. At least one of these visits is to be held in the home with the prospective adoptive parent and the child.

(1) The agency may reduce the number of visits, but shall not eliminate the one visit in the home, when the prospective adoptive parent:

(A) Completed the adoption of another child in California whose placement was supervised by an agency within the last five years and has an approved assessment satisfying the criteria set forth in Sections 35180 and 35181, or

(B) Has been the foster parent of the child to be adopted for at least six months in a placement supervised by an agency and has an approved assessment satisfying the criteria set forth in Sections 35180 and 35183, or

(C) Has been the relative care giver of the child to be adopted for at least six months in a placement supervised by an agency and has an approved assessment satisfying the criteria set forth in Sections 35180 and 35181 or Section 35183 or Section 35183.1, or

(D) Has been the foster parent of the child to be adopted for less than six months in a placement supervised by an agency and has an approved assessment satisfying the criteria set forth in Sections 35180 and 35181 or Section 35183 or Section 35183.1.

1. Only two of all visits made during the foster care placement may be counted toward the four required visits under the adoptive placement supervisory period.

(E) Has been the relative care giver of the child to be adopted for less than six months in a placement supervised by an agency and has an approved assessment satisfying the criteria set forth in Sections 35180 and 35181 or Section 35183 or Section 35183.1.

1. Only two of all visits made during the foster care placement may be counted toward the four required visits under the adoptive placement supervisory period.

#### NOTE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 7893 and 8704, Family Code; 25 U.S.C. 1901 et seq.; and Section 361.3 Welfare and Institutions Code.

#### HISTORY

1. New section filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 96, No. 21.

2. New section refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 11-24-98 order, including amendment of subsections (d)-(d)(1)(C), new subsections (d)(1)(D)-(d)(1)(E)1. and repealer of subsection (d)(2), transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

### **§35205. Providing Services to Prospective Adoptive Parents Who Move After the Adoptive Placement.**

**§** • Note • History

(a) In planning for prospective adoptive parents who move after the adoptive placement, the agency shall:

(1) Inform the prospective adoptive parents of the provisions of Family Code Sections 8611, 8612, 8613, 8614, 8616, and 8718, regarding prior court appearance, as appropriate.

(2) Inform the prospective adoptive parents that the agency is required by Family Code Section 7900 et seq. to comply with the provisions of the Interstate Compact for the Placement of Children.

(3) All requests for service to an out-of-state agency shall include a clear statement of:

- (A) The service requested and the help the family needs.
  - (B) The reports expected in accordance with California regulations.
  - (C) Whether finalization of the adoption is to be in California or in the other location.
  - (D) The arrangements that the agency has made for the return of the child to the California agency if the placement is unsuccessful.
  - (E) Information regarding fees paid or to be paid.
- (4) If the request for service is refused, the out-of-state agency shall be requested to provide names of qualified agencies or practitioners to which the adoptive family may be referred for services.

#### NOTE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 7900 et seq., 8611, 8612, 8613, 8614, 8616 and 8718, Family Code.

#### HISTORY

1. New section filed 9-1-87; operative 10-1-87. Ed. Note: The printing of this regulation was delayed due to necessary reformatting (Register 88, No. 50). For history of former chapter 3, see Register 88, No. 1.
2. Change without regulatory effect repealing section filed 8-2-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 52).
3. Renumbering and amendment of former section 35225 to section 35205 filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.
4. Renumbering and amendment of former section 35225 to section 35205 refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-24-98 order transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

### **§35207. Termination of the Adoptive Placement.**



**TITLE 22. Social Security****Division 2. Department of Social Services--Department of Health Services****Part 2. Health and Welfare Agency--Department of Health Services Regulations****Subdivision 4. Institutions and Boarding Homes for Persons Aged 16 and Above****Chapter 3. Adoptions Program Regulations****Subchapter 5. Procedures for Agency Adoptions****Article 12. Adoptive Placement****§35207. Termination of the Adoptive Placement.**

(a) (Reserved)

(b) In the event that a placement is terminated by the agency, and the child is to be removed from the home of the prospective adoptive parents, and the agency has no reason to believe that the child is in imminent danger the agency shall:

(1) Provide the prospective adoptive parents with a written notification of the agency's reasons for terminating the placement

(A) The notice shall be sent seven days prior to the termination of the placement.

(B) The notice shall state the specific conditions which led to the agency's decision to remove the child.

(C) The notice shall inform the prospective adoptive parents of the right to a grievance review under Subchapter 5, Article 9, Section 35233 et seq.

(c) In the event that a relinquishment document names the person or persons with whom the relinquishing parent intends that placement of the child for adoption be made by the agency and the agency terminates the placement with the named person or persons, the agency shall notify the relinquishing parent naming the person or persons of the termination of the placement and of his or her right to rescind the relinquishment and reclaim the child as required by Family Code Section 8700 Subdivision (f).

(d) If a placement is terminated before finalization of the adoption, the agency shall determine whether the family is to be considered for the placement of another child or whether approval of the family is to be withdrawn.

(1) The agency shall document its determination in the case record.

(2) The agency shall give the family written notice of its determination.

**NOTE**

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 8700, Family Code; and 25 U.S.C. 1901 et seq.

**HISTORY**

1. New section filed 9-1-87; operative 10-1-87. Ed. Note: The printing of this regulation was delayed due to necessary reformatting (Register 88, No. 50). For history of former chapter 3, see Register 88, No. 1.

2. Amendment of subsections (a)(1)(B), (K) and (M) filed 12-1-88; operative 12-31-88 (Register 89, No. 1).

3. Change without regulatory effect amending section filed 8-2-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 52).

4. Amendment of section and Note filed 10-31-94 as an emergency; operative 11-1-94 (Register 94, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-1-95 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to 10-31-94 order including amendment of subsection (b)(1)(D) transmitted to OAL 2-27-95 and filed 4-10-95 (Register 95, No. 15).

6. Renumbering of former section 35207 to section 35201 and renumbering and amendment of former

section 35223 to section 35207 filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.

7. Renumbering of former section 35207 to section 35201 and renumbering and amendment of former section 35223 to section 35207 refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.

8. Certificate of Compliance as to 11-24-98 order transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

### **§35207.1. Reporting Suspected Child Abuse.**



• Note • History

(a) If the agency knows or reasonably suspects the prospective adoptive parents have endangered the physical or mental health of a child by abuse or neglect, the agency shall immediately contact the appropriate child protective agency and file the mandatory "Suspected Child Abuse Report" (Form SS 8572 Revised 1/93) pursuant to Penal Code Section 11166(a).

#### NOTE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 8700, Family Code; and Sections 11165, 11165.1, 11165.2, 11165.3, 11165.4, 11165.6 and 11165.7, Penal Code.

#### HISTORY

1. Renumbering of former section 35153.1 to section 35207.1 filed 5-3-99; operative 5-3-99 (Register 99, No. 19).

## **Article 13. Completing the Adoption**

### **§35209. Kinship Adoption Agreement.**



**TITLE 22. Social Security****Division 2. Department of Social Services--Department of Health Services****Part 2. Health and Welfare Agency--Department of Health Services Regulations****Subdivision 4. Institutions and Boarding Homes for Persons Aged 16 and Above****Chapter 3. Adoptions Program Regulations****Subchapter 5. Procedures for Agency Adoptions****Article 13. Completing the Adoption****§35209. Kinship Adoption Agreement.**• [Note](#) • [History](#)

(a) If the adoption petition includes a proposed kinship adoption agreement, the agency shall review the documents to determine whether all the following requirements are satisfied:

(1) A kinship, as defined in Family Code Section 8714.7(c) exists between the adopting relatives and the child which allows a kinship adoption agreement.

(2) The content of the proposed kinship adoption agreement meets the statutory requirements specified in Family Code Section 8714.7.

(3) The proposed kinship adoption agreement is in the best interest of the child.

(4) The child who is to be adopted has consented to and signed the kinship adoption agreement, if he or she is age 12 or older.

(b) The agency shall advise the adopting relative and the birth parent if any determination made under Section 35127.1 will cause the agency to recommend that the court not grant the post-adoption contact privileges in the proposed kinship adoption agreement.

(c) The agency shall include in its report to the court a discussion of its findings and conclusions based on determinations made under Section 35127.1 and a recommendation as to whether the court should grant the post-adoption contact privileges in the proposed kinship adoption agreement.

(1) If the proposed kinship adoption agreement has been amended following advice given pursuant to Section 35127.1, the agency shall base its court report on the amended kinship adoption agreement.

**NOTE**

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 8714.5, 8714.7 and 8715, Family Code.

**HISTORY**

1. New section filed 9-1-87; operative 10-1-87. Ed. Note: The printing of this regulation was delayed due to necessary reformatting (Register 88, No. 50). For history of former chapter 3, see Register 88, No. 1.

2. Change without regulatory effect amending section filed 8-2-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 52).

3. Amendment of subsection (a), new subsections (a)(3) and (a)(3)(A), and amendment of Note filed 3-10-93; operative 4-9-93 (Register 93, No. 11).

4. Amendment of subsection (a) and Note filed 10-31-94 as an emergency; operative 11-1-94 (Register 94, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-1-95 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to 10-31-94 order transmitted to OAL 2-27-95 and filed 4-10-95 (Register 95, No. 15).

6. Renumbering of former section 35209 to portion of section 35195 filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-

98 or emergency language will be repealed by operation of law on the following day.

7. Renumbering of former section 35209 to portion of section 35195 refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.

8. New article 13 heading and Certificate of Compliance as to 11-24-98 order, including renumbering of former section 35209.2 to section 35209 and amendment of subsection (b), transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

### **§35209.1. Information Regarding Kinship Adoption.**

 • [Note](#) • [History](#)

#### NOTE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 8714.5, 8714.7 and 8715, Family Code.

#### HISTORY

1. New article 12 (sections 35209.1-35209.2) and section filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.

2. New article 12 (sections 35209.1-35209.2) and section refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.

3. Repealer of article 12 heading and Certificate of Compliance as to 11-24-98 order, including renumbering of former section 35209.1 to section 35179.1, transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

### **§35209.2. Kinship Adoption Agreement.**



**TITLE 22. Social Security****Division 2. Department of Social Services--Department of Health Services****Part 2. Health and Welfare Agency--Department of Health Services Regulations****Subdivision 4. Institutions and Boarding Homes for Persons Aged 16 and Above****Chapter 3. Adoptions Program Regulations****Subchapter 5. Procedures for Agency Adoptions****Article 13. Completing the Adoption****§35209.2. Kinship Adoption Agreement.****§35209.2. Kinship Adoption Agreement.**

**§** • [Note](#) • [History](#)

## NOTE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 8714.5, 8714.7 and 8715, Family Code.

## HISTORY

1. New section filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 11-24-98 order, including renumbering of former section 35209.2 to section 35209, transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

**§35211. Completing the Court Report.**

**§** • [Note](#) • [History](#)

- (a) Before submitting a report to the court, the agency shall provide written information about the availability of Adoption Assistance Program (AAP) benefits to the prospective adoptive parents.
- (b) The agency shall file a report to the court in all cases where the agency has signed an adoptive placement agreement and the prospective adoptive parents have filed an adoption petition.
  - (1) The report to the court shall be submitted as soon as all requirements are completed but no later than either 180 days after the adoption petition has been filed or the time extended by the court.
  - (2) If two or more agencies are participating in a cooperative placement, the prospective adoptive family's agency shall be responsible for preparing the report to the court unless the agencies mutually agree otherwise.
- (c) The agency shall give the petitioners or their attorney a copy of the court report at the time it is filed.
- (d) The report to the court shall include, to the extent available, the following information:

- (1) Medical and family background information about the birth parents as required by Section 35195(a).
- (2) Information obtained in the Assessment of the Child as required by Section 35127.1.
- (3) Information obtained in the Assessment of the Applicant as required by Section 35180.
- (4) Conclusions drawn from an assessment of whether the petitioner's record of criminal or violent behavior, if any, will affect his or her ability to provide appropriate parenting and a stable and safe home environment for the child.
- (A) The agency shall utilize the most current criminal record information in its preparation of the court report.
- (B) A licensed private adoption agency which has placed a child with an applicant requiring an FBI criminal record assessment by the SDSS--Adoptions Branch shall provide written notice to the SDSS at least twenty working days prior to the anticipated adoption petition hearing date that the agency is preparing to finalize an adoption, and request the SDSS assessment of the FBI criminal record, if any, be submitted to the court prior to the hearing date.
- (5) If the prospective adoptive parent is a relative of the child to be adopted and a written agreement pursuant to Family Code Section 8714.7 has been negotiated by the birth relatives, a statement of whether the kinship adoption agreement is in the child's best interest.
- (A) A statement recommending approval or disapproval of the kinship adoption agreement shall be included.
- (6) A copy of the documentation that the child is legally free for finalization of the adoption.
- (7) A recommendation that the petition be either granted or denied.
- (8) A copy of the AD 824 properly executed.
- (9) A copy of the VS 44 properly completed.
- (C) The agency shall ensure that the prospective adoptive parents complete the applicable section and sign the form.
- (D) The agency shall complete the sections which pertain to the birth parents after the prospective adoptive parents have completed their section.
- (E) In the event of the death of one of the prospective adoptive parents before finalization of the adoption, the agency shall inform the survivor of the provisions of Family Code Section 8615.
- (10) The agency shall state in the court report whether the birth certificate contains false information.
- (11) A statement verifying that the agency provided written information about the AAP to the prospective adoptive parents.
- (e) The agency shall not include the names and addresses of the birth parents in the court report, unless:
- (1) The child is being adopted by relatives as defined in Section 35000(r)(5)(A) and the adopting relative or the child, who is age 12 years or older, requests that the court report include:
- (A) The name of the birth parents.
- (B) The name the child had before the adoption.

#### NOTE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 8614, 8615, 8616, 8617, 8618, 8712, 8714.5, 8714.7 and 8715, Family Code; Sections 102635, 102640, 102645, 102650, 102660, 102670, 102675, 102680, 102695 and 102700, Health and Safety Code; and Section 16119, Welfare and Institutions Code.

#### HISTORY

1. New section filed 9-1-87; operative 10-1-87. Ed. Note: The printing of this regulation was delayed due to necessary reformatting (Register 88, No. 50). For history of former chapter 3, see Register 88, No. 1.
2. Change without regulatory effect amending Note filed 8-2-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 52).
3. Amendment of newly designated subsection (a), new subsections (a)(1)-(b)(1)(D)2., and amendment of Note filed 3-10-93; operative 4-9-93 (Register 93, No. 11).
4. Change without regulatory effect amending Note filed 3-27-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 13).
5. Renumbering of former section 35211 to portion of section 35195 and renumbering and amendment of former section 35229 to section 35211 filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.
6. Renumbering of former section 35211 to portion of section 35195 and renumbering and amendment of former section 35229 to section 35211 refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-24-98 order, including amendment of subsection (c)(9)(E), transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).
8. New subsection (a), subsection relettering, new subsection (d)(11) and amendment of Note filed 11-30-2000 as an emergency; operative 12-1-2000 (Register 2001, No. 13). A Certificate of Compliance must be transmitted to OAL by 3-30-2001 or emergency language will be repealed by operation of law on the following day.
9. New subsection (a), subsection relettering, new subsection (d)(11) and amendment of Note refiled 3-30-2001 as an emergency; operative 3-31-2001 (Register 2001, No. 13). A Certificate of Compliance must be transmitted to OAL by 7-30-2001 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 3-31-2001 order transmitted to OAL 7-27-2001 and filed 9-6-2001 (Register 2001, No. 36).



**TITLE 22. Social Security****Division 2. Department of Social Services--Department of Health Services****Part 2. Health and Welfare Agency--Department of Health Services Regulations****Subdivision 4. Institutions and Boarding Homes for Persons Aged 16 and Above****Chapter 3. Adoptions Program Regulations****Subchapter 5. Procedures for Agency Adoptions****Article 11. Assessment of the Applicant****§35180. Written Assessment of the Adoptive Applicant and Documentation.****§35180. Written Assessment of the Adoptive Applicant and Documentation.**

**§** • [Note](#) • [History](#)

(a) The agency shall assess each applicant seeking to adopt a child for whom the agency needs adoptive parents in order to determine the applicant's suitability as a prospective adoptive parent.

(1) A copy of the written assessment of the adoptive applicant shall be retained in the case file and shall include:

(A) Identifying information about the applicant and any children and adults residing in the home:

1. Name.
2. Date of birth.
3. Sex.
4. Relationship, if any, to the child to be adopted.

(B) Summary of the information evaluated.

(C) Social history, including the results of a screening for any criminal background and any referrals for child abuse or neglect.

1. If the child has been living in the applicant's home, a determination that the child has not been abused or neglected by the applicant.

(D) Determination of the applicant's commitment and capability to meet the needs of a child which shall include:

1. Description of the age, race, gender and characteristics of children this family, in the agency's judgment, is likely to be willing and able to parent, and whom the agency will consider for placement with the applicant, including:

a. Any characteristics of a child for which, in the agency's judgment, the applicant would be unsuitable.

(E) Determination that the applicant's home is safe.

(F) Applicant's understanding of the legal and financial rights and responsibilities in adoption.

1. Statement as to whether the applicant has been provided information about the Adoption Assistance Program.

(G) Any resources, services or training which would assist the adoptive applicant in meeting the needs of a child.

(H) Determination of approval or denial of the application and the reasons for the determination.

(b) An assessment completed as specified in [Section 35181](#) or [Section 35183](#) shall not be used to meet the requirements for an assessment for an Intercountry Adoption pursuant to [Section 35257](#) until it has been updated by an agency licensed to provide intercountry adoption services.

## NOTE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 361.5, 366.21 and 366.22, Welfare and Institutions Code; and Section 8715, Family Code.

## HISTORY

1. New article 10 (sections 35180-35195) and section filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.
2. New article 10 (sections 35180-35195) and section refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 11-24-98 order, including renumbering of former article 10 to article 11 and redesignation of former subsection (a)(2) as subsection (b) and amendment of Note, transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

**§35181. Full Assessment of the Adoptive Applicant.**

**§** • Note • History

- (a) The agency shall have at least 3 separate face-to-face contacts with each applicant for the purpose of interviewing the applicant for the assessment.
- (1) Up to 2 contacts may be adoption training or preparation class sessions.
  - (2) The contacts shall include, at least, all of the following:
    - (A) At least one interview with the applicant in the home.
    - (B) A separate face-to-face interview with each applicant.
    - (C) A joint interview when there are two applicants.
    - (D) A face-to-face interview with all other individuals residing in the home.
    - (E) Additional interviews as necessary.
  - (b) The agency shall obtain from the applicant, at least, all of the following information:
    - (1) Identifying information:
      - (A) Full name, including aliases and maiden names.
      - (B) Current address and telephone number.
      - (C) Date of birth.
      - (D) Sex.
    - (2) Blood relationship to child, if any.
    - (3) Race and ethnic background information.
    - (4) Religion, if any.
    - (5) Verification of employment or income.
    - (6) Marriage certificate, if married.
      - (A) Verification of termination of prior marriages.
        1. When verification of the dissolution of all marriages of the applicants is not possible, the marriages preceding a verified divorce decree shall be assumed to be validly dissolved.
    - (7) Names, date of birth, sex of other individuals in the home and personal or biological relationship to the applicant.

- (8) Names, dates of birth and location of any minor children of the applicant who are not living in the home of the applicant
- (9) Report of a medical examination of each applicant
- (A) The report shall be completed by a licensed physician or a nurse practitioner or physician's assistant practicing under a licensed physician.
- (B) The report shall be completed no more than 6 months before the date of the application to adopt.
- (C) The agency may substitute a health questionnaire completed by the applicant for the medical report if both of the following conditions exist:
1. The applicant is the current care giver of the child or a relative seeking to adopt a specific child, and
  2. The completed questionnaire does not, in the agency's judgment, identify indicators requiring further evaluation or report.
    - a. If in the agency's judgment, sufficient additional information is obtained from the physician who has been treating a specific condition identified in the questionnaire, additional medical examination is not necessary.
- (10) A certificate, for each adult residing in the home, stating that the individual is free from communicable tuberculosis.
- (11) The names of three individuals to be contacted by the agency for the purpose of obtaining references.
- (12) The results of a screening for any criminal background of the applicant and any other adults residing in the home and, if required by Section 35184(e)(1), the FBI criminal record, if any, from the DOJ.
- (13) The results of a screening for prior referrals for child abuse or neglect.
- (14) Authorization for information from additional sources to be released to the agency, as necessary, to complete the assessment.
- (15) Authorization for the adoption agency to release a copy of the written assessment to other adoption and child welfare agencies for the purpose of matching the applicant with a child for adoption.
- (c) In assessing the adoptive applicant, the agency shall consider the following factors for the applicant, as well as any children or other adults residing in the home:
- (1) Social history, including the following:
    - (A) Personal characteristics and current functioning.
    - (B) The results of a screening for any criminal record and child abuse index report.
  - (2) A determination of the applicant's commitment and capability to meet the needs of a child including both of the following:
    - (A) Basic needs.
    - (B) The specified needs of an identified child related to the assessment of the child under Sections 35127.1 and .2.
  - (3) The applicant's understanding of the legal and financial rights and responsibilities in adoption.
  - (4) Motivation for seeking adoption and the ability and willingness to assume permanent responsibility for the care, guidance and protection of a child through adoption.
  - (5) Adequacy of housing.
  - (6) Social support system.

- (7) Financial stability.
- (8) General characteristics:
- (9) The preparation or plan the applicant has made for care of the minor in the event of death or incapacity of the adoptive parent or parents.
- (10) The ability of the applicant to work with a child welfare agency in support of a case plan for a child who is a dependent of the juvenile court.
  - (A) Whether the applicant is willing and able to be a permanency planning family.
  - (d) If the adoptive applicant is a relative, the agency shall consider both of the following factors:
    - (1) The nature of the relationship the relative has with the birth parent or other extended family members.
    - (2) Whether the relative would like to enter into a kinship adoption agreement and, if so, what kind of post-adoption contact the relative would like to have with the birth parent or other family members.
  - (e) If the adoptive applicant is a birth parent of the child to be adopted, the following factor shall also be considered:
    - (1) If the child was a dependent of the juvenile court, whether the conditions which led to the child's removal from the parent still exist.
  - (f) The agency shall identify any resources, services or training needed to facilitate the adoptive applicant's ability to meet the needs of the child.

#### NOTE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 361.5, 366.21 and 366.22, Welfare and Institutions Code.

#### HISTORY

1. New section filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 11-24-98 order, including amendment of subsections (b)(12) and (c)(1) (B) and amendment of Note, transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

### **§35183. Abbreviated Assessment of the Adoptive Applicant.**

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**TITLE 22. Social Security****Division 2. Department of Social Services--Department of Health Services****Part 2. Health and Welfare Agency--Department of Health Services Regulations****Subdivision 4. Institutions and Boarding Homes for Persons Aged 16 and Above****Chapter 3. Adoptions Program Regulations****Subchapter 5. Procedures for Agency Adoptions****Article 13. Completing the Adoption****§35213. Immediate Filing of the Court Report.****§35213. Immediate Filing of the Court Report.**

**§** • [Note](#) • [History](#)

(a) After the prospective adoptive parents have filed the petition to adopt the child, the agency shall immediately file the court report when any of the following conditions exist:

(1) There is a serious question concerning the suitability of the prospective adoptive parents.

(2) There is a serious question concerning the care provided to the child.

(A) If the agency knows or reasonably suspects the prospective adoptive parents have endangered the physical or mental health of a child by abuse or neglect, the agency shall immediately contact the appropriate child protective agency and file the mandatory "Suspected Child Abuse Report" (Form SS 8572 Revised 1/93) pursuant to Penal Code Section 11166(a).

(3) The prospective adoptive parents have indicated a desire to withdraw the adoption petition.

(4) A petition for the adoption of a child for whom the agency has care, custody, and control pursuant to Family Code Section 8704(a) is filed by persons with whom the agency has not signed an adoptive placement agreement.

(b) The agency shall include in the court report, as appropriate, the following:

(1) The basis for its concerns regarding the suitability of the prospective adoptive parents or the care provided the child.

(2) A request to the court for direction regarding the situation giving rise to the agency's concern.

(3) A recommendation that the adoption petition be denied.

(4) A recommendation that the adoption petition be withdrawn according to the prospective adoptive parent's wishes.

(5) A request that the adoption petition be dismissed if it was filed by persons with whom the agency has not signed an adoptive placement agreement.

(c) If the agency recommends that the adoption petition be denied or withdrawn, it shall appear at the hearing to represent the child.

**NOTE**

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 8704, 8715, 8719 and 8720, Family Code; and Sections 11165, 11165.1, 11165.2, 11165.3, 11165.4, 11165.6, 11165.7 and 11166, Penal Code.

**HISTORY**

1. New section filed 9-1-87; operative 10-1-87. Ed. Note: The printing of this regulation was delayed due to necessary reformatting (Register 88, No. 50). For history of former chapter 3, see Register 88, No. 1.

2. Change without regulatory effect amending Note filed 8-2-91 pursuant to section 100, title 1, California

4. Repealer and new section filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.
5. Repealer and new section refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11-24-98 order, including amendment of subsection (a)(2)(A) and amendment of Note, transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

## Article 14. Grievance Review

### §35215. Written Request for Grievance Review.

§ • Note • History

- (a) Upon written request from an applicant or a prospective adoptive parent, the agency shall provide for a grievance review hearing on any action taken by the agency before a petition for adoption is filed.
- (1) The agency shall advise applicants or prospective adoptive parents that the request for a grievance review hearing shall:
- (A) Be signed by the applicant or prospective adoptive parent or his or her authorized representative.
  - (B) State specifically the facts surrounding the action complained of.
  - (C) Be submitted to the agency within thirty days of the agency action which is the subject of the complaint, except as specified in (D) below.
  - (D) Be submitted to the SDSS--Adoptions Branch if the grievance concerns an action taken by a licensed private adoption agency based on the FBI criminal record.
- (2) No request for a grievance review hearing shall be granted if the request for a grievance review hearing is based solely on any of the following:
- (A) Any action of the agency in compliance with a court order.
  - (B) A question regarding the validity of a statute or a regulation.
  - (C) Any issue for which a state hearing is available under Welfare and Institutions Code Section 10950.

#### NOTE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 8712, Family Code.

#### HISTORY

1. New section filed 9-1-87; operative 10-1-87. Ed. Note: The printing of this regulation was delayed due to necessary reformatting (Register 88, No. 50). For history of former chapter 3, see Register 88, No. 1.
2. Amendment of subsection (a) filed 12-1-88; operative 12-31-88 (Register 89, No. 1).
3. Change without regulatory effect amending Note filed 8-2-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 52).
4. Change without regulatory effect amending Note filed 3-27-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 13).
5. Repealer filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.

6. Repealer refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.

7. Repealer of article 8 heading, new article 14 and Certificate of Compliance as to 11-24-98 order, including renumbering of former section 35233 to section 35215, transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

### **§35217. Scheduling and Notice of Grievance Review Hearing.**

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**TITLE 22. Social Security****Division 2. Department of Social Services--Department of Health Services****Part 2. Health and Welfare Agency--Department of Health Services Regulations****Subdivision 4. Institutions and Boarding Homes for Persons Aged 16 and Above****Chapter 3. Adoptions Program Regulations****Subchapter 5. Procedures for Agency Adoptions****Article 14. Grievance Review****§35229. Completion of the Adoption.**• [Note](#) • [History](#)

## NOTE

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 8712 and 8715, Family Code.

## HISTORY

1. New section filed 9-1-87; operative 10-1-87. Ed. Note: The printing of this regulation was delayed due to necessary reformatting (Register 88, No. 50). For history of former chapter 3, see Register 88, No. 1.
2. New subsection (a)(2) filed 7-28-89; operative 8-27-89 (Register 89, No. 31).
3. Change without regulatory effect amending Note filed 8-2-91 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 91, No. 52).
4. Change without regulatory effect amending Note filed 3-27-95 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 95, No. 13).
5. Renumbering of former section 35229 to [section 35211](#) filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.
6. Renumbering of former section 35229 to [section 35211](#) refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-24-98 order transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

**§35231. Concurrent Petitions.**• [Note](#) • [History](#)

## NOTE

Authority cited: Section 10553, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 8704, Family Code.

## HISTORY

1. New section filed 9-1-87; operative 10-1-87. Ed. Note: The printing of this regulation was delayed due to necessary reformatting (Register 88, No. 50). For history of former chapter 3, see Register 88, No. 1.
2. Change without regulatory effect amending section filed 8-2-91 pursuant to [section 100, title 1, California Code of Regulations](#) (Register 91, No. 52).
3. Change without regulatory effect amending newly designated subsection (a) and Note filed 3-27-95

pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 13).

4. Repealer filed 7-30-98 as an emergency; operative 8-1-98 (Register 98, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-98 or emergency language will be repealed by operation of law on the following day.

5. Repealer refiled 11-24-98 as an emergency; operative 11-29-98 (Register 98, No. 48). A Certificate of Compliance must be transmitted to OAL by 3-29-99 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 11-24-98 order transmitted to OAL 3-25-99 and filed 5-3-99 (Register 99, No. 19).

